

In re Appln. of Krupa
Application No. 09/759,875
Response to Office Action of February 10, 2005

Remarks

The following remarks are responsive to the February 10, 2005, Final Office Action.

Claims 91-105 are pending as a result of this amendment. Claims 96-104 have been allowed and claims 106-109 have been canceled.

Claims 91-95 and 105 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,561,426 (Blanford et al.). Blanford et al. discloses a system for detecting and decoding a supplemental barcode that accompanies a primary barcode. In particular, Blanford et al. discloses a secondary label that is placed over a primary label so as to partially obscure the primary label.¹

Claims 91 and 105, as amended, are directed to a system where the second label is attached to the container in close proximity to the first label such that the barcode or identifying indicia on both the first and second labels and all additional indicia on both the first and second label are fully readable. Because Blanford et al. does not disclose a system that positions a primary and secondary label in such a manner so as to allow all of the indicia on both labels to be fully readable, whether by a scanner or the human eye, the teaching of Blanford et al. does not render obvious the claimed invention. For this reason, the Applicant requests that the Examiner withdraw the rejection of claims 91, its dependent claims, and claim 105 and allow the claims to issue.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

David A. Frey, Reg. No. 43,618
GARDNER CARTON & DOUGLAS LLP
191 N. Wacker Drive, Suite 3700
Chicago, Illinois 60606-1698
(312) 569-1000 (telephone)
(312) 569-3000 (facsimile)

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¹ U.S. Patent No. 6,561,426, col. 2, ll. 29-31; col. 3, ll. 4-9; col. 6, ll. 37-38.